

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AOL LLC (by change of name from America  
Online, Inc.)

Opposer,

v.

IAC SEARCH & MEDIA, INC.,

Applicant.

78306246

Opposition No.: 91163840

TTAB

TRADEMARK TRIAL AND APPEAL BOARD  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**STIPULATED MOTION TO SUSPEND ALL PROCEEDINGS**

Applicant, IAC Search & Media, Inc. and Opposer, AOL LLC, hereby respond as ordered by the Board in its Order dated February 12, 2007 regarding the status of the settlement discussions and timetable for resolution of this matter. The parties are currently negotiating the terms of a written settlement agreement that concerns this opposition, as well as U.S. Opposition No. 91163372, which concerns U.S. Serial No. 78/306,674, for Applicant's SMILEY CENTRAL word mark. The settlement of this matter will also eliminate the need to proceed with U.S. Opposition No. 91163372.

The parties have agreed to a disclaimer of SMILEY from the application at issue in these proceedings, as well as from U.S. Serial No. 78/306,674 (the SMILEY CENTRAL mark). The parties conducted a further settlement discussion on Friday, March 9, 2007 at which they discussed the remaining open issues pertaining to the use and registration of the term "SMILEY." The parties are hopeful that these last issues concerning the use and registration of the term "SMILEY" will be resolved within six (6) months of the date hereof.



Opposition No. 91163840  
Docket No. 47683-2404732

sf-2282847

03-14-2007

Counsel for Opposer, Jason Mazur, agreed to this suspension in a telephone conversation with the undersigned March 12, 2007. This request is being submitted as required by TBMP 509.02. A copy of this consented motion is being served on counsel.

Dated: March 14, 2007

MORRISON & FOERSTER LLP

By: \_\_\_\_\_

  
Rosemary S. Tarlton  
Attorney for Applicant  
IAC Search & Media, Inc.

Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105  
Telephone: (415) 268-6810

**PROOF OF SERVICE BY MAIL**

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on March 14, 2007, I served a copy of:

**STIPULATED MOTION TO SUSPEND ALL PROCEEDINGS**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

Jason Mazur, Esq.  
Arent Fox  
1050 Connecticut Ave., NW  
Washington D.C. 20036-5339

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 14th day of March, 2007.

\_\_\_\_\_  
Lorna Simpson  
(typed)

\_\_\_\_\_  
  
(signature)

Opposition No. 91163840  
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**CERTIFICATE OF MAILING BY EXPRESS MAIL**

TRADEMARK TRIAL AND APPEAL BOARD  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir:

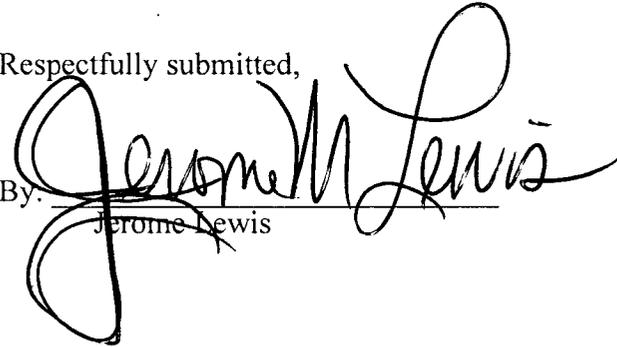
Express Mail Label No.: EV968743394US

Date of Deposit: March 14, 2007

I hereby certify that the attached Stipulated Motion to Suspend All Proceedings (in duplicate), Proof of Service by Mail to and receipt verification postcard are being deposited with the United States Postal Service Express Mail delivery as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above, and is addressed to: Trademark Trial and Appeal Board, Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.

Respectfully submitted,

By:

  
Jerome Lewis